

## HOUSE COMMITTEE ON JUDICIARY

April 14, 2003 Hearing Room 357

1:00 p.m. Tapes 139-140

**MEMBERS PRESENT:**        Rep. Max Williams, Chair  
                                 Rep. Gordon Anderson, Vice-Chair  
                                 Rep. Robert Ackerman, Vice-Chair  
                                 Rep. Jeff Barker  
                                 Rep. Bob Jenson  
                                 Rep. Jerry Krummel  
                                 Rep. Greg Macpherson  
                                 Rep. Floyd Prozanski  
                                 Rep. Lane Shetterly

**STAFF PRESENT:**        Bill Taylor, Counsel  
                                 Ann Martin, Committee Assistant

**MEASURE/ISSUES HEARD:**        **HB 2069 Work Session**  
                                 **HB 2073 Work Session**  
                                 **HB 2725 Work Session**  
                                 **HB 2729 Work Session**  
                                 **HB 2733 Work Session**  
                                 **HB 2865 Work Session**  
                                 **HB 2877 Work Session**  
                                 **HB 2803 Work Session**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 139, A</b>		
003	Chair Williams	Calls the meeting to order at 1:09 p.m. Opens a work session on HB 2069.
<b><u>HB 2069 WORK SESSION</u></b>		
010	Craig Prins	Committee Counsel. Introduces HB 2069 which modifies provisions relating to motions in arrest of judgment and for new trials in criminal cases.
032	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2069 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 8-0-1</b>
		<b>EXCUSED: 1 - Krummel</b>
042	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. REP. ACKERMAN will lead discussion on the floor.</b>
044	Chair Williams	Closes the work session on HB 2069 and opens a work session on HB 2073.
<b><u>HB 2073 WORK SESSION</u></b>		
045	Bill Taylor	Committee Counsel. Introduces HB 2073 which creates State Court Facilities Task Force. Discusses the -2 amendments <b>(EXHIBIT A).</b>
094	<b>Rep. Jenson</b>	<b>MOTION: Moves to ADOPT HB 2073-2 amendments dated</b>



**VOTE: 8-0-1**  
**EXCUSED: 1 - Krummel**  
**Hearing no objection, declares the motion CARRIED.**  
**REP. PROZANSKI will lead discussion on the floor.**

309 Chair Williams  
313 Chair Williams  
Closes the work session on HB 2729 and opens a work session on HB 2733.

**HB 2733 WORK SESSION**

314 Bill Taylor  
Committee Counsel. Introduces HB 2733 which reorganizes provisions relating to venue in violation cases. Discusses the -2 amendments from Rep. Prozanski (**EXHIBIT D**).

338 Rep. Prozanski  
Explains HB 2733 and the -2 amendments.  
370 Vice Chair  
Asks which circuit court is identified on line 5 of the -2 amendments.  
376 Rep. Prozanski  
Answers that they are not designating which circuit court.  
391 Rep. Shetterly  
Adds that the language in lines 5-9 covers which circuit court the violation is referred to.

405 Rep. Prozanski  
**MOTION: Moves to ADOPT HB 2733-2 amendments dated 04/11/03.**  
**VOTE: 8-0-1**  
**EXCUSED: 1 - Krummel**  
**Hearing no objection, declares the motion CARRIED.**  
**MOTION: Moves HB 2733 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 8-0-1**  
**EXCUSED: 1 - Krummel**  
**Hearing no objection, declares the motion CARRIED.**  
**MOTION: Moves HB 2733 to the floor with a DO PASS AS AMENDED recommendation.**

406 Chair Williams  
409 Rep. Prozanski

422 Chair Williams  
**Hearing no objection, declares the motion CARRIED.**  
**REP. PROZANSKI will lead discussion on the floor.**

433 Chair Williams  
Closes the work session on HB 2733 and opens a work session on HB 2865.

**HB 2865 WORK SESSION**

435 Bill Taylor  
Committee Counsel. Introduces HB 2865 which allows district attorney to treat certain felonies as Class A misdemeanors. Discusses the -1 amendments (**EXHIBIT E**).

454 John Bradley  
Multnomah County District Attorneys Office. Testifies in support of HB 2865.

**TAPE 140, A**

017 Bradley  
Continues his testimony in support of HB 2865.  
062 Chuck French  
Deputy District Attorney, Multnomah County. Discusses HB 2865.

140 Rep. Prozanski  
States his concerns about broadness of bill.  
161 Bradley  
Responds that they could make amendments.  
198 Rep. Barker  
Points out how this bill could save money.  
218 Kelly Skye  
Oregon Criminal Defense Lawyers Association. Discusses bill. Says that they support the first portion of the bill, but oppose grand jury portion of bill.

289 Rep. Prozanski  
Asks Ms. Skye if this was limited to chain of custody issues would she object to that portion of the bill.  
295 Skye  
Answers, no.

328 Rep. Barker  
**MOTION: Moves to ADOPT HB 2865-1 amendments dated 04/14/03.**

330 Rep. Prozanski  
States that he opposes the motion.  
343 Rep. Jenson  
Says he objects to the motion.

355 **VOTE: 5-4-0**  
**AYE: 5 - Anderson, Barker, Krummel, Shetterly, Williams**  
**NAY: 4 - Ackerman, Jenson, Macpherson, Prozanski**  
**The motion CARRIES.**  
357 **Chair Williams**  
360 **Chair Williams**  
Closes the work session on HB 2865 and opens a work session on HB 2877.

**HB 2877 WORK SESSION**

375 **Bill Taylor**  
Committee Counsel. Introduces HB 2877 which requires that early disposition programs allow district attorney to make resolution offer to offenders before arraignment.  
389 **Chair Williams**  
Discusses constitutional issue of bill.  
422 **Vice Chair Anderson**  
**MOTION: Moves HB 2877 to the floor with a DO PASS recommendation.**  
429 **Rep. Shetterly**  
Says he is concerned about the balance between the government and the hand of individual rights when faced with the weight of prosecution.  
460 **Rep. Barker**  
Believes that the bill is a good opportunity to move cases quickly through the lower levels of the court.

**TAPE 139, B**

029 **Rep. Prozanski**  
Questions if the bill is needed.  
057 **Vice Chair Ackerman**  
Explains the two protections of counsel.  
070 **VOTE: 7-2-0**  
**AYE: 7 - Ackerman, Anderson, Barker, Jenson, Krummel, Macpherson, Williams**  
**NAY: 2 - Prozanski, Shetterly**  
**The motion CARRIES.**  
**REP. ACKERMAN will lead discussion on the floor.**  
076 **Chair Williams**  
Closes the work session on HB 2877 and opens a work session on HB 2803.  
079 **Chair Williams**

**HB 2803 WORK SESSION**

082 **Chair Williams**  
Discusses the -4 amendments (**EXHIBIT F**) of HB 2803 which authorizes Department of Corrections to enter into contract for provision of corrections services in facilities out-of-state.  
115 **Claudia Black**  
Department of Corrections (DOC). Clarifies the -4 amendments.  
139 **Rep. Prozanski**  
Asks if Ms. Black can explain the order of how they are going to do this.  
145 **Black**  
Defers to Mitch Morrow.  
146 **Mitch Morrow**  
Department of Corrections. Explains to how DOC will enter into contracts.  
167 **Rep. Williams**  
**MOTION: Moves to ADOPT HB 2803-4 amendments dated 04/14/03.**  
172 **Vice Chair Anderson**  
States his reasons for opposing the amendments.  
181 **Rep. Barker**  
Says that he does support amendments.  
182 **VOTE: 8-1-0**  
**AYE: 8 - Ackerman, Barker, Jenson, Krummel, Macpherson, Prozanski, Shetterly, Williams**  
**NAY: 1 - Anderson**  
**The motion CARRIES.**  
183 **Chair Williams**  
**MOTION: Moves HB 2803 to the floor with a DO PASS AS AMENDED recommendation.**  
192 **Chair Williams**  
194 **Rep. Macpherson**  
Announces that he supports the bill as amended by the -4 amendments.

